

### **REMARKS**

This amendment is responsive to the Office Action of September 16, 2003. Reconsideration of claims 1-27 and 29-35 is respectfully requested.

### **The Office Action**

**Claims 1-27 and 29-35** remain in the application.

**Claims 1, 3, 7, 14, and 16** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kessener (US Patent No. 4, 901, 922).

**Claims 27 and 31-33** stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yasuo (US Patent No. 5, 171, 429).

**Claims 2, 4-6, 8-13, 15, 17-20, 28-29, 31, and 34-35** were objected to as being dependent upon a rejected base claim. An allowable subject matter was indicated.

**Claims 21-26** are allowed.

**Claims 9 and 27** have been amended.

**Claim 28** has been cancelled.

### **Claims 1-20 Distinguished over Kessener**

**Claim 1** calls for among other limitations: at least one LED disposed on or in the associated plumbing fixture for directly illuminating at least one of the handle, the water flow, and an associated basin. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Initially, Applicant respectfully submits that the structure disclosed in Kessener is lacking all the limitations of claim 1. Kessener is directed to creating a colorful display by directing the light into the liquid flow. The lamp 42 is positioned outside of the plumbing fixture surrounded by reflector 44 (Fig. 1). Kessener's lamp is not disposed on or in the plumbing fixture. Unlike Kessener's lamp, Applicant's concept is directed to the low voltage LED illuminator which is safe for use in the close vicinity of the water and, because of that, it is safe to dispose it on or in the plumbing fixture, as disclosed in claim 1.

Additionally, Kessener's structure includes a light guide 52 to initially guide light rays by a total internal reflection of the rod 52 into the lower end 50 of the light guide.

(Col. 3, lines 51-54). Kessener's lamp does not illuminate the water flow immediately but rather is initially guided through a set of optical devices which direct the light rays in a specific way to converge at the lower end of the light guide. In contrast, the light of claim 1 directly illuminates the water flow without any physical interruptions. Nowhere does Kessener disclose or suggest disposing the light source on or in the plumbing fixture such that the light is introduced immediately and directly into the water flow.

For the reasons stated, it is respectfully submitted that claim 1 and claims 2-20, dependent on claim 1, distinguish patentably and unobviously over Kessener.

**Claims 27, and 29-35 Distinguished over Yasuo**

**Claim 27** has been amended to include a limitation of claim 28 which was indicated in the Office Action as having an allowable subject matter. Claim 27 calls for among other limitations: the encapsulant which defines a selected shape adapted for arrangement on the faucet. Nowhere does Yasuo disclose or suggest the encapsulant which defines a selected shape adapted for arrangement on the faucet as claimed in claim 27. It is therefore respectfully submitted that claim 27 and claims 29-35, dependent on claim 27, distinguish patentably and unobviously over Yasuo.

### CONCLUSION


For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-27 and 29-35) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Scott McCollister, at (216) 861-5582.

Respectfully submitted,

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December 16, 2003  
Date

  
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<p>Date</p> <p>December 16, 2003</p>	<p>Signature</p> <p> Hilary M. McNULTY</p>
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